IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 189 OF 2007
IN
STAMP NUMBER MAIN NO. 656 OF 2007

GOA PLAST PVT. LTD. THROUGH ITS POWER OF ATTORNEY MR. ISHWAR B. MUCHANDI ... Applicant

Versus

BENIGINO L. ALPHONSO ... Respondent

Ms. Priyanka Kamat,Advocate for the applicant.
Mr. Ajit Kantak, Advocate for the respondent.

Coram:- R. S. MOHITE, J.

Date:- 19th July, 2007

P.C.

Heard both sides. This is an application for condonation of delay in filing the first appeal. The delay is of 94 days. In the application, the applicant has stated that after the judgment dated 25.8.2006 she applied for certified copy immediately on 29.8.2006 and received the same on 7.9.2006. That within the prescribed period of limitation, she had handed over the papers to her Advocate. That she received notice in cross appeal filed in this Court and handed over the same also to her Advocate and enquired from him as to whether appeal had been filed and was told by the Advocate that since he was out of station, he had lost the track of the matter and appeal had remained to be filed inadvertently.

The application is opposed by the Advocate for the respondent. He states that it was the duty of the applicant to have enquired from her Advocate from time to time and that the applicant was negligent in that regard.

Taking into account all the facts, in the interest of justice, for the reasons mentioned in the application, I am inclined to allow the application subject to costs. Application is therefore, allowed. The delay caused in filing first appeal is condoned subject to payment of costs of Rs.1,000/- which will be paid to the respondent within 2 weeks from today. Office to number the main first appeal and place itfor admission after 3 weeks. Application disposed of.

R. S. MOHITE, J.

sma